



Billing Code 9110-12-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

Docket ID FEMA-2013-0002

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (e-mail) Luis.Rodriguez3@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have

federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Dearborn County, Indiana, and Incorporated Areas Docket No.: FEMA-B-1176			
Flooding Source(s)	Location of Referenced Elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) Modified	Communities Affected
Great Miami River	Approximately 0.23 mile upstream of the Ohio River confluence	+490	City of Greendale, Unincorporated Areas of Dearborn County
	Approximately 5.07 miles upstream of the Ohio River confluence	+490	
Ohio River	Approximately 0.65 mile upstream of the Laughery Creek confluence.	+486	City of Aurora, City of Lawrenceburg, Unincorporated

			Areas of Dearborn County
	Approximately 1.25 miles upstream of the Tanners Creek confluence.	+488	
Tanners Creek	Approximately 0.46 mile downstream of U.S. Route 50	+489	City of Greendale, City of Lawrenceburg, Unincorporated Areas of Dearborn County
	Approximately 2.07 miles upstream of Conrail	+489	
Wilson Creek	At the Ohio River confluence	+487	City of Aurora, Unincorporated Areas of Dearborn County
	Approximately 0.35 miles upstream of Wilson Creek Road	+487	

*National Geodetic Vertical Datum.

+North American Vertical Datum.

#Depth in feet above ground.

^Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES:

City of Aurora:

Maps are available for inspection at City Hall, 235 Main Street, Aurora, IN 47001

City of Greendale:

Maps are available for inspection at Utilities Office, 510 Ridge Avenue, Greendale, IN 47025

City of Lawrenceburg:

Maps are available for inspection at Administration Building, 230 Walnut Street, Lawrenceburg, IN 47025

Unincorporated Areas of Dearborn County:

Maps are available for inspection at Dearborn County Administration Building, 215B West High Street, Lawrenceburg, IN 47025

Colfax County, Nebraska, and Incorporated Areas Docket No.: FEMA-B-1178			
Flooding Source(s)	Location of Referenced Elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in feet (MLLW) Modified	Communities Affected
East Fork Maple Creek	Approximately 81 feet downstream of State Highway 91	+1454	Unincorporated Areas of Colfax County
	Approximately 1,651 feet upstream of County Road 14	+1467	
Platte River	Approximately 0.73 miles upstream of County Road 18	+1310	Unincorporated Areas of Colfax County
	Approximately 2.93 miles upstream of Wolfe Road	+1410	
Shell Creek	Approximately 834 feet upstream of County Road D	+1332	Unincorporated Areas of Colfax County
	Approximately 1.9 miles upstream of County Road 2	+1446	
Shell Creek (Right Overbank)	Approximately 0.76 miles downstream of County Road E	+1348	City of Schuyler, Unincorporated Areas of Colfax County
	Approximately 1.5 miles upstream of US Route 30	+1361	

*National Geodetic Vertical Datum.

+North American Vertical Datum.

#Depth in feet above ground.

^Mean Lower Low Water.

ADDRESSES:

City of Schuyler:

Maps are available for inspection at the City Office, 1103 B Street, Schuyler, NE 68661

Unincorporated Areas of Colfax County:

Maps are available for inspection at the County Courthouse, 411 East 11th Street, Schuyler, NE 68661

Smith County, Texas, and Incorporated Areas Docket No.: FEMA-B-1213
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Flooding Source(s)	Location of Referenced Elevation	*Elevation in feet (NGVD) +Elevation in feet (NAVD) #Depth in feet above ground ^Elevation in meters (MSL) Modified	Communities Affected
Black Fork Creek	Approximately 0.43 mile upstream of the Prairie Creek West confluence	+380	City of Tyler, Unincorporated
	Approximately 0.71 mile upstream of East 5th Street	+531	Areas of Smith County
Black Fork Creek Tributary BF-1	At the Black Fork Creek confluence	+436	City of Tyler, Unincorporated
	Approximately 1.2 miles upstream of Loop 323	+476	Areas of Smith County
Black Fork Creek Tributary BF-M-1	At the Black Fork Creek confluence	+496	City of Tyler
	Approximately 1,475 feet upstream of Devine Street	+523	
Black Fork Creek Tributary D	At the Black Fork Creek confluence	+469	City of Tyler
	Approximately 1,180 feet upstream of East Front Street	+508	
Black Fork Creek Tributary D-1	At the Black Fork Creek Tributary D confluence	+473	City of Tyler
	Approximately 1,770 feet upstream of the Black Fork Creek Tributary D confluence	+479	
Black Fork Creek Tributary D-2	At the Black Fork Creek Tributary D confluence	+487	City of Tyler
	Approximately 1,053 feet upstream of Townsend Avenue	+490	
Black Fork Creek Tributary D-3	At the Black Fork Creek Tributary D confluence	+488	City of Tyler
	At Elm Street	+491	
Butler Creek	Approximately 340 feet upstream of Farm to Market 2661	+361	City of Tyler, Unincorporated
	Approximately 640 feet upstream of State Route 155	+457	Areas of Smith County
Gilley Creek	Approximately 310 feet downstream of Farm to Market 848	+379	City of Tyler, Unincorporated
	Approximately 150 feet upstream of University Boulevard	+474	Areas of Smith County
Gilley Creek Tributary G-1	At the Gilley Creek confluence	+426	City of Tyler, Unincorporated
	Approximately 1.14 miles upstream of County Road 2120	+478	Areas of Smith County
Harris Creek	Approximately 300 feet upstream of the Ray Creek confluence	+329	Unincorporated
	Approximately 2.16 miles upstream of Farm to Market 850	+463	Areas of Smith County
Henshaw Creek	At the West Mud Creek confluence	+383	Unincorporated
	Approximately 0.71 mile upstream of	+477	Areas of Smith

Indian Creek	County Road 165		County
	Approximately 490 feet upstream of the Lake Palestine confluence	+349	City of Tyler, Unincorporated
Ray Creek	Approximately 1,950 feet upstream of Loop 323	+473	Areas of Smith County
	Approximately 0.37 mile upstream of the Harris Creek confluence	+332	Unincorporated
Shackleford Creek	Approximately 525 feet upstream of Old Gladwater Highway	+436	Areas of Smith County
	At the West Mud Creek confluence	+383	City of Tyler, Unincorporated
West Mud Creek	Approximately 620 feet upstream of Paluxy Drive (Farm to Market 756)	+481	Areas of Smith County
	Approximately 200 feet upstream of Farm to Market 344 East	+361	City of Tyler, Unincorporated
West Mud Creek Tributary 11	Approximately 1,300 feet upstream of Easy Street	+496	Areas of Smith County
	At the West Mud Creek confluence	+419	City of Tyler
West Mud Creek Tributary B	Approximately 400 feet upstream of Holly Creek Drive	+462	
	Approximately 125 feet upstream of the West Mud Creek confluence	+467	City of Tyler
West Mud Creek Tributary M-1	Approximately 125 feet upstream of Paluxy Drive	+504	
	At the West Mud Creek Tributary M-A confluence	+444	City of Tyler
West Mud Creek Tributary M-2	Approximately 1,440 feet upstream of Cross Creek Circle	+485	
	Approximately 425 feet upstream of the West Mud Creek confluence	+463	City of Tyler
West Mud Creek Tributary M-A	Approximately 1,510 feet upstream of Barbee Drive	+469	
	Approximately 200 feet upstream of the West Mud Creek confluence	+444	City of Tyler
West Mud Creek Tributary M-A.1	Approximately 80 feet upstream of Woodland Hills Drive	+509	
	At the West Mud Creek Tributary M-A confluence	+471	City of Tyler
West Mud Creek Tributary M-A.2	Approximately 680 feet upstream of Rice Road	+485	
	At the West Mud Creek Tributary M-A confluence	+487	City of Tyler
West Mud Creek Tributary M-C	Approximately 830 feet upstream of the West Mud Creek Tributary M-A confluence	+493	
	Approximately 450 feet upstream of the West Mud Creek confluence	+477	City of Tyler
West Mud Creek Tributary M-C.1	Approximately 50 feet upstream of Old Jacksonville Highway	+530	
	Approximately 160 feet upstream of the West Mud Creek Tributary M-C confluence	+488	City of Tyler
	Approximately 1,010 feet upstream of	+491	

West Mud Creek Tributary M-C.2	New Copeland Road		
	At the West Mud Creek Tributary M-C confluence	+502	City of Tyler
	Approximately 1,000 feet upstream of Old Bullard Road	+511	
Wiggins Creek	At the downstream side of the railroad	+327	Unincorporated Areas of Smith County
	Approximately 0.83 mile upstream of Harris Creek Church Road	+373	
Willow Creek	At the Black Fork Creek confluence	+423	City of Tyler,
	Approximately 1.48 miles upstream of Loop 323 North-Northwest	+480	Unincorporated Areas of Smith County
*National Geodetic Vertical Datum. +North American Vertical Datum. #Depth in feet above ground. ^Mean Sea Level, rounded to the nearest 0.1 meter.			
ADDRESSES: City of Tyler: Maps are available for inspection at the Development Services Office, 423 West Ferguson Street, Tyler, TX 75702 Unincorporated Areas of Smith County: Maps are available for inspection at the Smith County Courthouse, 100 North Broadway Avenue, Tyler, TX 75702			

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Date: December 18, 2013

Roy E. Wright,

Deputy Associate Administrator for Mitigation,

Department of Homeland Security,

Federal Emergency Management Agency.

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